IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.F.A. No.5100 of 2001
Date of decision: December 13,2006

Satbir Singh V. State of Haryana and others

CORAM; HON'BLE MR. JUSTICE VINEY MITTAL

Present: S/Shri Arun Jain, Advocate
Lokesh Sinhal,Advocate
Rajiv Sharma,Advocate
Harsh Aggarwal,Advocate
Adish Gupta,Advocate
T.S.Dhindsa,Advocate
A.K.Singal,Advocate
Kulbhushan Sharma,Advocate,
Gautam Jindal,Advocate

for the claimant-landowners.

Shri Hawa Singh Hooda,Advocate General,Haryana with
Shri Ramesh Hooda,Advocate for the State of Haryana.

Viney Mittal,J.

This judgment shall dispose of a batch of first appeals. All the appeals have arisen out of a common acquisition proceedings. Whereas the claimants-landowners have approached this Court for enhancement of compensation, the State of Haryana has filed appeals for reduction of compensation, as awarded by the reference Court. In some of the appeals filed by the State of Haryana, the claimant-landowners have also filed cross-objections. The said cross-objections are also being disposed of through the present judgment.

Vide notification dated July 10,1995 issued under

section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the “Act”), 154.58 acres of land in village Jharsetli and 66.28 acres of land in village Kail in Tehsil Ballabgarh, District Faridabad was notified for acquisition for utilisation of the land as Industrial, Commercial and Institutional area in Sector-59, Faridabad. Vide a latter notification, the land was declared as acquired.Two separate awards being awards No.17 and 18 were pronounced by the Land Acquisition Collector on July 1,1998. The acquired land of village Jharsetli was assessed to the market value of Rs.4,60,000/- per acre. The acquired land of village Kail was assessed to the market value of Rs.3,30,000/- per acre.

The claimant-landowners remained dissatisfied with the assessment of the market value and, consequently, claimed references under section 18 of the Act. The matter was duly referred. During the course of reference proceedings, the parties led their evidence in support of their respective claims. The oral as well as documentary evidence was led.

On the basis of the evidence led by the parties, more particularly on the basis of the award dated December 23,2000, Ex.P.12, the reference Court assessed the market value of the present acquired land at the rate of Rs.425/- per square yard, uniformly for the entire acquired land. The claimants were also held entitled to statutory benefits as admissible to them.

As noticed above, the claimants as well as the State of Haryana have approached this court challenging the assessment made by the reference Court.

I have heard learned counsel for the claimant-landowners and Shri Hawa Singh Hooda, learned Advocate General,

Haryana appearing for the State and with their assistance have also gone through the record of the case.

Although the learned counsel appearing for the claimant-landowners have contended that the market value of the acquired land has been very inadequately assessed by the reference Court and needs to be enhanced, it would be relevant to notice that the reference Court has primarily assessed the market value of the acquired land on the basis of the earlier award Ex.P12 dated December 23,2000. Vide the aforesaid award Ex.P12, assessment of the market value had been made for the acquired land of village Jharsetli, which had been notified for acquisition vide notification dated May 8,1995, when the land had been acquired for the development of Sector-61, Faridabad. Vide aforesaid award, the market value had been assessed at the rate of Rs.400/- per square yard. Various appeals were filed against the aforesaid award and other connected awards before this Court, the leading case being R.F.A. No.2501 of 2001 (Ved Pal and others V. State of Haryana and others). All the aforesaid appeals were disposed of by this Court vide judgment dated May 3,2006 and the market value of the acquired land in village Jharsetli was assessed at the rate of Rs.500/- per square yard. The said acquired land, as noticed above, had been acquired for establishment of Transport Nagar in Sector-61, Faridabad. It is not in dispute that the substantial portion of present acquired land also forms part of village Jharsetli. Notification under section 4 of the Act in the present proceedings had been issued on July 10,1995. In Ved Pal's case (supra), notification under section 4 of the Act had been issued on May 8,1995. There was hardly a gap of two months. In these circumstances, I do not find any

justification to award any different market value than as assessed in Ved Pal's case (supra). The claimant-landowners in the present appeals cannot be held entitled to any higher rate than in Ved Pal's case (supra).

As a result and in view of the detailed reasons recorded in Ved Pal's case, I hold that the claimant-landowners in the present acquisition proceedings shall also be entitled to the market value at the rate of Rs.500/- per square yard for their acquired land. Beside the said market value, the claimants shall also be entitled to other statutory benefits, as admissible to them in accordance with law.

In these circumstances, the appeals and cross-objections filed by the claimant-landowners are allowed to the extent that claimant-landowners shall be entitled to the market value of Rs.500/- per square yard along with other statutory benefits. Consequently, the appeals filed by the State of Haryana are dismissed.

December 13,2006 (Viney Mittal)
sks Judge